

REMARKS

Currently pending in this application are claims 25-50, 52-60, 62-77 which were submitted with the response filed February 28, 2004. Claims 1-24 were canceled in a prior response and Claims 51, 61 and 78 are canceled in this response.

Claims 32, 38, 49, 59, 66 and 76 have been amended to change the term "diluent" to solvent. The term solvent appears in the specification at paragraph 0124. The claims have also been amended to depend directly from the preceding independent claim

Claims 52, 62 and 70 have been amended to change addition to additive correcting an obvious typographical error.

Claims 34 and 62 have been amended to delete caster oil from the Markush group that defines the thermal stabilizer.

Claim 33 has been amended to depend from claim 25.

The examiner has rejected claims 32, 38, 49, 59, 66 and 76 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as "diluent" when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 28, 33, 45, 46, 51, 52, 55, 56, 61, 62, 70, 72, 73 and 78 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 28, 45, 55, and 72 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11th Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and

the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 46 and 51 as substantial duplicates. Claim 51 has been canceled rendering the rejection moot.

The examiner rejected claims 52, 62 and 72 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 56 and 61 as substantial duplicates. Claim 61 has been canceled rendering the rejection moot.

The examiner rejected claims 73 and 78 as substantial duplicates. Claim 78 has been canceled rendering the rejection moot.

The examiner has rejected claims 34, 37-40, 62 and 65-68 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 34 and 62 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 37-40 depend from claim 34 and claims 65-68 depend from claim 62. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

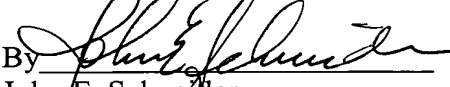
CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US8 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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Merriam- Webster's Collegiate[®] Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

graffiti *n* [pl. of *graffito*] (1945): usu. unauthorized writing or drawing on a public surface

usage *graffiti*, which also serves as the plural of *graffito*, is commonly used as a singular mass noun (*graffiti*... was depressing people who rode the subway—*New Yorker*). *graffiti* comes in various styles—S. Oberbeck). This use is well established although not yet as well established as the mass-noun use of *data*. Use of *graffiti* as a singular noun is still quite rare and is not standard.

graf-fi-to (*grō-fē-tō*, *grā-*, *grā-*) *n*, *pl* -ti [It. incised inscription, fr. inscription or drawing made on some public surface (as a rock or wall); also: a message or slogan written as or as if as a graffito—*graf-fi-tist*]

graf (*grāf*) *n* [ME *graffe*, *grafe*, fr. AF *graffe*, *grafe* stylus, graph, fr. ML *graphium*, fr. L *stylus*, fr. Gk *graphein*, fr. *graphein* to write—more at *CARVE*] (14c) 1 a: a grafted plant b: SCION 1 c: the point of insertion of a scion upon a stock 2 a: the act of grafting b: something grafted; *specif*: living tissue used in grafting

graft *w* (14c) 1 a: to cause (a scion) to unite with a stock; also: to unite (plants or scion and stock) to form a graft b: to propagate (a plant) by grafting 2 a: to join or unite as if by grafting b: to attach (a chemical unit) to a main molecular chain 3: to implant (living tissue) surgically ~ *vi* 1: to become grafted 2: to perform grafting—*graft-er n*

graft *n* [E dial. *graft*, vb., to work] (1853) chiefly Brit: WORK, LABOR

graft (origin unknown) *w* (1859): to get (illicit gain) by graft ~ *vi*: to practice graft

graft *n* (1865): the acquisition of gain (as money) in dishonest or questionable ways; also: illegal or unfair gain

graft-verse *n* (1965): the principles and practice of grafting condition that results when T cells from a tissue or organ transplant and esp. a bone marrow transplant react immunologically against the recipient's antigens attacking cells and tissues

graham cracker *n* [*grām*, *grā-m* *n* [*graham flour*] (1882): a slightly sweet cracker made of whole wheat flour

graham flour *n* [*Sylvester Graham*†1851 Am. dietary reformer] (1834): whole wheat flour

grail (*grāl*) *n* [ME *grail*, *grail*, fr. MF, bowl, *grail*, fr. ML *gradalis*] 1

esp. the cup or platter used according to medieval legend by Christ at the Last Supper and thereafter the object of knightly quests 2: the object of an extended or difficult quest

grain (*grān*) *n* [ME, partly fr. AF *grain* cereal grain, fr. L *granum*; partly fr. AF *graine* seed, *graine*, fr. L *grana*, pl. of *granum*—more at *CARVE*] (14c) 1 a (1) obs.: a single small hard seed (2): a seed or fruit of a cereal grass b: the seeds or fruits of various food plants including the cereal grasses and in commercial and statutory use other plants (as the soybean) c: plants producing grain 2 a (1): a small hard particle or crystal (2): any of the particles produced in a photographic material by its development; also: the size of such minute portion or particle c: the least amount possible (a ~ of truth) 3 a: kermes or a scarlet dye made from it b: cochineal or a finer 4 a: a granulated surface or appearance b: the outer or hair side of a skin or hide 5: a unit of weight based on the weight of a grain of wheat taken as an average of the weight of grains from the middle of the ear—see *WEIGHT* table 6 a: the stratification of the wood fibers in a piece of wood b: a texture due to constituent particles or fibers (the ~ of a rock) c: the direction of threads in cloth against my ~ b: a basic or characteristic quality c: a prevalent theory or convention (teaching against the ~)—*grained* (*grānd*)

grain *n* (1530) 1: INGRAIN 2: to form into grains: *GRANULATE* 3

grain ~ *vi*: to become granular; *GRANULATE*—*grain-er n*

grain elevator *n* (1852): a building for elevating, storing, discharging, and sometimes processing grain

grain of salt (1647): a skeptical attitude

grain of paradise (15c): the pungent seeds of a West African plant (*Amomum melegueta*) of the ginger family that are used as a spice

grain sorghum *n* (1920): any of several sorghums cultivated primarily for grain—compare *SORGO*

grainy (*grā-nē*) *adj* *grain-i-er*, -est (15c) 1: resembling or having the characteristic of grain: not smooth or fine 2 of a photograph appearing to be composed of grain-like particles—*grain-i-ness n*

grain (*grām*) *n* [obs. Fg (now spelled *grāo*), grain, fr. L *granum*] (1702) also: their seeds

gram (*grām*) *n* [F *gramme*, fr. LL *gramma*, a small weight, fr. Gk *gramma*, *gramma* letter, writing, a small weight, fr. *graphein* to write and nearly equal to the mass of one cubic centimeter of water at maximum density—see *METRIC SYSTEM* table 2: the weight of a body under the acceleration of gravity

gram (*grām*) *n* [by shortening & alter.] (ca. 1934): GRANDMOTHER

gram (*grām*) *n* [comb. form L *gramma*, fr. Gk, fr. *gramma*]: drawing: writing

gram (*grām*) *n* [Sp, fr. L *gramina*, pl. of *gramen* grass] (1828): any

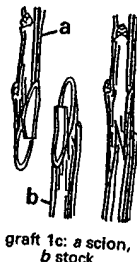
grasses (genus *Bouteloua*) of the western U.S.

atomic weight *n* (1927): the mass of one mole of an element

calorie *n* (1902): CALORIE 1a

equivalent *n* (ca. 1897): the quantity of an element, group, or compound that has a mass in grams equal to the equivalent weight

mercy (*grō-mor-sē*) *interj* [ME *grand mercy*, fr. AF *grand merci* (14c) *archaic*—used to express gratitude or surprise



graft 1c: a scion, b stock

gram-i-ci-din (*grā-mā-sī-dīn*) *n* [*gram-positive* + *-i-* + *-cide* + *-in*] (1940): any of several toxic crystalline polypeptide antibiotics produced by a soil bacterium (*Bacillus brevis*) and used against gram-positive bacteria in local infections

gram-mi-n-e-ous (*grō-mī-nē-əs*) *adj* [L *gramineus*, fr. *gramin-*, *gramen* grass] (ca. 1658): of or relating to a grass

gram-i-niv-o-rous (*grā-mā-nī-vō-rəs*) *adj* [L *gramin-*, *gramen*] (1739): feeding on grass or the seeds of grass (~ locusts) (~ birds)

gram-mar (*grā-mor*) *n* [ME *gramere*, fr. AF *gramaire*, modif. of L *grammatica*, fr. Gk *grammatikē*, fr. fem. of *grammatikos* of letters, fr. *gramma-*, *gramma*—more at *GRAM*] (14c) 1 a: the study of the classes of words, their inflections, and their functions and relations in the sentence b: a study of what is to be preferred and what avoided in inflection and syntax 2 a: the characteristic system of inflections and syntax of a language b: a system of rules that defines the grammatical structure of a language 3 a: a grammar textbook b: speech 4: the principles or rules of an art, science, or technique (a ~ of the theater); also: a set of such principles or rules—*gram-mar-i-an* (*grā-*

mer-ē-ən *n*)

grammar school *n* (14c) 1 a: a secondary school emphasizing Latin and Greek in preparation for college b: a British college preparatory school 2: a school intermediate between primary school and high school 3: ELEMENTARY SCHOOL

gram-mat-i-cal (*grā-mā-tī-kəl*) *adj* (1530) 1: of or relating to grammar 2: conforming to the rules of grammar (a sentence)—*gram-mat-i-cal-ity* (*grā-mā-tī-kā-lī-tē*) *n*—*gram-mat-i-cal-ly* (*grā-mā-tī-kā-lī*) *adv*—*gram-mat-i-cal-ness* (*grā-mā-tī-kā-lī-nəs*) *n*

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gram-mat-i-cal-ly (*grā-mā-tī-kā-lī*) *adv*

ve-da-lla \vɛ-ˈdɪ-lə/ *n* [NL, genus name] (1889): an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

Ve-dan-ta \və-ˈdān-tə, -ˈdān- / *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *anta* end; akin to OE *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** \-ˈdān-ti-zəm, -ˈdān- / *n* — **Ve-dan-tist** \-ˈdān-tɪst / *n*

Ve-dan-tic \və-ˈdān-tɪk, -ˈdān- / *adj* (1882): 1: of or relating to the Vedanta philosophy 2: **VEDIC**

Ved-da or **Ved-dah** \vɛ-ˈdɑ/ *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

Ved-dold \vɛ-ˈdɔld/ *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — **Veddold** *adj* **ve-dette** or **vi-dette** \vɛ-ˈdɛt / *n* [F, fr. *il vedetta*, alter. of *veletta*, prob. fr. Sp *vela* watch, fr. *velar* to keep watch, fr. L *vigilare* to wake, watch, fr. *vigil* awake — more at **VIGIL**] (ca. 1611): a mounted sentinel stationed in advance of pickets

Ve-dic \və-ˈdɪk / *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

vee \vɛ/ *n* (ca. 1883): 1: something shaped like the letter V 2: the letter v

vee-jay \vɛ-ˈjɑ/ *n* [radio jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

veena *n* of *VINA*

veep \vɛp / *n* [fr. v. p. (abbr. for vice president)] (1949): **VICE PRESIDENT**

veer \vɪr / *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *veren*] (15c): to let out (as a rope)

veer \vɪr / *v* [ME *veren*, fr. MF *vire*, fr. OF, to throw with a twisting motion, fr. VL *vire*, alter. of L *vibrare* to wave, propel suddenly — more at **VIBRATE**] (15c): 1: to change direction or course (the economy veered sharply downward) 2: of the wind: to shift in a clockwise direction — compare **BACK** 3: to wear ship ~ *v*: to direct to a different course; **spec**: **WEAR** 7 *syn* see **SWERVE** — **veering-ly** \-ɪŋ-lee / *adv*

veer \vɪr / *n* (ca. 1611): a change in course or direction (a veer to the right)

vee-ry \vɪ-ri / *n*, *pl* **veeries** [prob. imit.] (1838): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg \vɛ/ *n*, *pl* **veg** (1918) *chiefly Brit*: **VEGETABLE**

veg-ga \vɛ-ɡə, -ɡə / *n* [NL, fr. *al-Nasr al-Wāqī*, lit., the falling (vulture)] (ca. 1638): the brightest star in the constellation Lyra

veg-an \vɛ-ɡən / *n* also **ve-ja-n** or **-jan** / *n* [by contr. fr. *vegetarian*] (1944): a strict vegetarian who consumes no animal food or dairy products; also: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** \-ɪz-əm / *n*, *pl* **veg-an-isms**

veg-e-ta-ble \vɛj-tə-bəl, -bəl / *adj* [ME, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at **WAKE**] (15c): 1: of, relating to, constituting, or growing like plants 2: consisting of plants: **VEGETATIONAL** 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

vegetable *n* (15c): 1: **PLANT** 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; also: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory (1842): 1: the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory 2: **IVORY NUT**

vegetable marrow *n* (ca. 1816) *chiefly Brit*: any of various smooth-skinned elongated summer squashes with creamy-white, to deep green skins

vegetable oil *n* (1765): an oil of plant origin; esp: a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818): **SALISIFY**

vegetable pear *n* (1887): **CHAYOTE**

vegetable wax *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-bly \vɛj-tə-blee, -bly / *adv* or *adj* (1651): in the manner of or like a vegetable

veg-e-tal \vɛj-təl / *adj* [ML *vegetare* to grow] (15c): 1: **VEGETABLE** 2: **VEGETATIVE** 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see **BLASTULA** illustration

veg-e-tar-i-an \vɛj-tə-ri-ən / *n* [*vegetable* + *-arian*] (1839): 1: one who believes in or practices vegetarianism 2: **HERBIVORE**

vegetarian *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (~ diet)

veg-e-tar-i-an-ism \-ɪz-əm / *n* (ca. 1851): the theory or practice of living on a vegetarian diet

veg-e-tate \vɛj-tet / *v* [*veg-e-tat-ed*; *-tat-ing*] [ML *vegetatus*, pp. of *vegetare* to grow] (1605): 1: to grow in the manner of a plant; also: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 3: to lead a passive existence without exertion of body or mind ~ *v*: to establish vegetation in or on

veg-e-ta-tion \vɛj-tə-ti-ən / *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibria ~s on the mitral valve) — **veg-e-ta-tion-al** \-ən-əl, -shən-əl / *adj*

veg-e-ta-tive \vɛj-tə-tiv / *adj* (14c): 1: (1): growing or having the power of growing (2): of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (a ~ nucleus) 2: promoting plant growth (the ~ properties of soil) 3: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation 3: of or

relating to the division of nature comprising the plant kingdom 4: **AUTONOMIC** 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: **VEGETABLE** 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

ve-gete \və-ˈjɛt / *adj* [L *vegetus* — more at **VEGETABLE**] (1639) *archaic*: **LIVELY, HEALTHY**

veg-gle also **veg-le** \vɛ-ˈɡl / *n* [by shortening & alter.] (1935): 1: **VEGETABLE** 2: *slang*: **VEGETARIAN**

veggie burger *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; also: a sandwich containing such a patty

veg out \vɛj- / *v* **vegged out**; **veg-ging out** [short for *vegetate*] (1980): to spend time idly or passively

ve-he-mence \vɛ-ˈmɛn(t)s / *n* (15c): the quality or state of being vehement: **INTENSITY**

ve-he-ment \vɛ-ˈmɛnt / *adj* [ME, fr. MF, fr. L *vehement*, *vehemens*, *vemens*] (15c): marked by forceful energy: **POWERFUL** (a ~ wind); as a: intensely emotional: **IMPASSIONED, FERVID** (~ patriotism) b (1): deeply felt (a ~ suspicion) (2): forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-he-ment-ly** *adv*

ve-hi-cle \vɛ-ˈhi-kəl / *n* also **ve-hi-ko** / *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at **WAY**] (1612): 1: an inert medium (as a syrup) in which a medicinally active agent is administered 2: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 3: an agent of transmission: **CARRIER** 4: a medium through which something is expressed, achieved, or displayed (an investment ~); esp: a work created esp. to display the talents of a particular performer 4: a means of carrying or transporting something (planes, trains, and other ~s); as a: **MOTOR VEHICLE** b: a piece of mechanized equipment

ve-hi-cu-lar \vɛ-ˈhi-kyo-lər / *adj* (1616): 1: of, relating to, or designed for vehicles and esp. motor vehicles 2: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

V-8 \vɛ-ˈeɪt / *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; also: an automobile having such an engine

veil \vaɪ / *n* [ME, fr. AF *veil*, *vellie*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; **spec**: the outer covering of a nun's headdress 2: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) 3: any of various liturgical cloths; esp: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (~ of stars); esp: something that hides or obscures like a veil (lift the ~ of secrecy) 5: a covering body part or membrane: as a: **VELUM** b: **CAUL**

veil \vaɪ / *v* (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *v*: to put on or wear a veil

veiled \vaɪd / *adj* (14c): 1: a: having or wearing a veil or a concealing cover (a ~ hat) b: characterized by a softening tonal distortion 2: obscured as if by a veil: **DISGUISED** (~ threats)

veil-ing \vaɪ-lɪŋ / *n* (13c): 1: any of various light sheer fabrics 2: **VEIL**

vein \vaɪn / *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice 2: (1): **LODE** 2 (2): a bed of useful mineral matter c: **LODE** 3 2: **BLOOD VESSEL**; esp: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: any of the vascular bundles forming the framework of a leaf b: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); **spec**: a wavy variegation (as in marble) 5: a distinctive mode of expression: **STYLE** (stories in a romantic ~) 6: a distinctive element or quality: **STRAIN** (introduced a welcome ~ of humor) c: a line of thought or action (renewed discussion along the same ~) 6: a: a special aptitude (inherited an artistic ~) b: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~)

vein \vaɪn / *v* (1502): to pattern with or as if with veins

veined \vaɪnd / *adj* (ca. 1529): patterned with or as if with veins: having venation: **STREAKED** (a ~ leaf) (~ marble) (~ cheese)

vein-er \vaɪ-nər / *n* (1895): a small V gouge used in wood carving

vein-ing \vaɪ-nɪŋ / *n* (1826): a pattern of veins: **VENATION**

vein-let \vaɪn-lət / *n* (1831): a small vein

veiny \vaɪ-nē / *adj* (1611): full of veins: noticeably veined (~ hands)

vel *abbr* velocity

ve-la-men \və-ˈlɑ-mən / *n*, *pl* **ve-lam-i-na** \-lɑ-mə-nə / [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-lar \vɛ-lər / *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ *kl*) of /k/ /kʰ/ /kʷ/ 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

ve-lar-i-um \vɛ-ˈlɑ-ri-əm / *n*, *pl* **-ia** \-ɪ-ə / [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

ve-lar-i-za-tion \vɛ-ˈlɑ-ri-zə-ti-ən / *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

ve-lar-ize \vɛ-ˈlɑ-ri-z / *v* **-ized**; **-izing** (1915): to modify (as the /t/ of /pʰt/ /pʰt/) by a simultaneous velar articulation

Vel-cro \ˈvɛl-(j)krō / *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

veld or **veldt** \vɛlt, ˈvɛlt / *n* [Afrik *veld*, fr. D, field; akin to OE *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

ve-li-ger \vɛ-ˈlɪ-ʒər, -ˈvɛ- / *n* [NL, fr. *velum* + *-ger* bearing, fr. *gerere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

vel-lei-ty \vɛ-ˈlɛi-ti, -ˈvɛ- / *n*, *pl* **-ties** [NL *velletias*, fr. L *velle* to wish, will — more at **WILL**] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: **INCLINATION**



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EXAMINER

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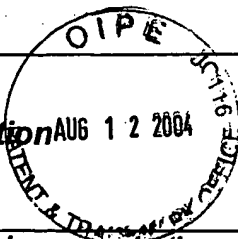
1714

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

AUG 12 2004



Application No.

10/084,833

Applicant(s)

JORDAN, FREDERICK L.

Examiner

Cephia D. Toomer

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 25-27,29-31,43,44,47,48 and 50.

Claim(s) objected to: 35,36,41,42,53,54,57,58,60,63,64,69,71,74,75 and 77.

Claim(s) rejected: 28,32-34,37-40,45,46,49,51,52,55,56,59,61,62,65-68,70,72,73,76 and 78.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Cephia D. Toomer
Cephia D. Toomer
Primary Examiner
Art Unit: 1714

Continuation of 2. NOTE: the amendment is considered non-compliant because it fails to meet the requirements of 37 CFR 1.121, as amended July 30, 2003. Claims 32, 34, 38, 52, 59, 62, 66 and 76 are listed as amended; however, there appears to be no subject matter that has been added or deleted. The proper claim identifier for claims that are presently amended is -- currently amended--. "Pending" is not a proper claim identifier (see claims 31, 33, 37, 58, 65, 75). In the remarks section of the amendment, applicant states that claims 49 and 70 are amended; however, the identifier for these claims is listed as "previously amended" .

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